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Global Code of Ethics for Tourism

Note by the Secretariat

In accordance with rule 9 of the rules of procedure of the Economic and Social Council, the Secretary-General has proposed the inclusion under item 13 of the provisional agenda for the substantive session of 2001 (Economic and environmental questions) of an additional sub-item entitled "Global Code of Ethics for Tourism". A letter dated 13 December 2000 from the Secretary-General of the World Tourism Organization to the Secretary-General of the United Nations concerning this issue (see annex) and an explanatory memorandum (see enclosure) are attached for the consideration of the Council.

* E/2001/2.

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Annex

Letter dated 13 December 2000 from the Secretary-General of the World Tourism Association to the Secretary General of the United Nations

I am pleased to inform you that the World Tourism Organization is presently working on the implementation provisions for the Global Code of Ethics for Tourism. It was adopted by consensus by all member States participating in the thirteenth session of our General Assembly (Santiago, Chile, 1 October 1999) irrespective of the differences in culture, development levels, political systems or religion that may separate them.

The decision to develop the Code was the result of ample consultations among our member States as well as with the private sector and non-governmental organizations. It conforms to the relevant international conventions and declarations, including the Universal Declaration of Human Rights and other United Nations instruments, and also takes stock of the previous numerous initiatives undertaken to this effect in the field of tourism.

The resulting document is conceived as an instrument of conciliation. Therefore, in addition to setting forth the explanatory preamble and pointing out the ethical principles which should govern tourism development, the Code provides for international cooperation and a mechanism for its implementation.

At its seventh session (New York, 16-20 April 1999), the Commission on sustainable Development welcomed this project and invited the World Tourism Organization to consider informed major groups' participation, as appropriate, in the development, implementation and monitoring of its Global Code of Ethics for Tourism.

With these objectives in mind, we would appreciate it if the Code could be included as an item in the provisional agenda of the substantive session of 2001 of the Economic and Social Council and subsequently considered by the United Nations in 2001 with a view to obtaining its universal recognition and dissemination.

Enclosed please find an explanatory memorandum introducing the Code in more detail.

(*Signed*) Francesco **Frangialli**

Enclosure

Explanatory memorandum

Global Code of Ethics for Tourism

On 1 October 1999, the General Assembly of the World Tourism Organization (WTO), held in Santiago, Chile, approved the draft «Global Code of Ethics for Tourism» previously submitted to it for consideration.

Since the adoption of the historical *Manila Declaration on World Tourism* in 1980 under the auspices of WTO, a great many instruments - charters, codes and declarations - have marked the trajectory of world tourism. The purpose of the new Code, as stated in the preamble, is to combine a series of objects and ideas into a complex whole and to enhance them by drawing on «new considerations relative to the development of our societies and thus provide a frame of reference for stakeholders in world tourism at the dawn of the next century and millennium».

Some will doubtless regard, if not with derision, at least with scepticism, the ambition to establish both a frame of reference and a game rule common to all tourism countries and to all tourism development partners. But the facts speak for themselves: the new Code has fulfilled a real ambition and one cannot remain indifferent to the fact that it has been unanimously adopted by the 107 countries which took part in our Assembly, out of the 130 which make up the Organization, irrespective of the differences in culture, development levels, political systems and religion that may separate them.

Four considerations denote both the ambition and the scope of this fundamental text.

First, its preparation, which was characterized by a huge concerted effort.

The decision to prepare a new instrument committing the international tourism community was taken at the WTO General Assembly meeting in Istanbul in 1997. A special committee was formed for this purpose on which countries as different as Algeria, Brazil, Ecuador, Egypt, Iran, Malaysia and Portugal were represented in addition to the Holy See having enjoyed observer status in this group.

The process continued during the first half of 1999, involving broad consultations with WTO's six Regional Commissions, its Executive Council and external industry partners, labour organizations and non-governmental organizations (NGOs). In April 1999, the United Nations Commission on Sustainable Development, at its seventh session in New York and having been duly informed of these endeavours, expressed a lively interest in the steps that were being taken to this end. Between May and July, a great many Member States further enhanced the draft with their direct contributions, which naturally denoted differing degrees of sensitivity between those in favour of what one might term a certain «right to interfere in tourism» and those with a more long-standing tradition of accepting the prerogatives of sovereign States.

The final draft, prepared by the Secretary-General and his team at the beginning of last summer, tried to integrate as far as possible all these contributions in the text, while at the same time preserving its unanimity of inspiration and coherence. So much fresh blood was infused into the text that the number of pages doubled with respect to the original version!

The aim to seek as broad an exchange of views as possible seems to have been met insofar as the debate engaged in by the General Assembly in the autumn of 1999, albeit informal, did not challenge the main thrust of the text. With the passing of time, consultations and the preparation and drafting of the text were concluded relatively quickly - in less than a year - considering the scope of the exercise and the scale of the final result.

The second feature of the Code concerns the basic principles that underpin it and the concerted effort it makes to combine a series of objects and ideas into a complex whole.

The Code obviously maintains the continuity of the major declarations that, under the aegis of the United Nations System, have marked the development of international society and the progress human rights have made since the end of the Second World War: the Universal Declaration of Human Rights of 1948, the International Covenants of 1966 on Economic, Social and Cultural Rights and on Civil and Political Rights, the Convention concerning the Protection of the World Cultural and Natural Heritage of 1972, the Convention on the Rights of the Child of 1989, the Rio Declaration on the Environment and Development of 1992, the Convention on Biodiversity of 1995, along with the multiple instruments adopted under the aegis of the International Labour Organization.

But the aim of this Code is, if not to round off, at least to break new ground with regard to these texts which, prestigious as they may be, are generally limited to guaranteeing individual rights, defending certain groups and protecting the natural environment and the heritage.

The Global Code of Ethics for Tourism wants to go one step further. Without challenging the progressive heightening of universal awareness as evinced in the aforementioned texts, the Code resolutely conforms to a determination to promote «the market economy, private enterprise and free trade», with a view to enabling the world tourism industry «to optimize its beneficial effects on the creation of wealth and employment».

One paragraph in the preamble deserves to be reproduced in full. It sums up the process of combining objects and ideas into a complex whole from which the Code draws its inspiration and its ambition to go one better:

«Also firmly convinced that, provided a number of principles and a certain number of rules are observed, responsible and sustainable tourism is by no means incompatible with the growing liberalization of the conditions governing trade in services and under whose aegis the enterprises of this sector operate, and that it is possible to reconcile in this sector economy and ecology, environment and development, openness to international trade and protection of social and cultural identities».

The classic structure of the text is geared towards clarity rather than originality.

The preamble, of which various elements have already been cited, stems from a construction which has already proved its worth.

The «We, Members of the World Tourism Organization gathered for the General Assembly at Santiago, Chile, on this first day of October 1999» formula with which the Preamble kicks off, is reminiscent of, even a veiled reference to the famous «We, peoples of the United Nations...» formula used in the San Francisco Charter.

On the basis of the considerations it develops and the references it makes, the Preamble concludes that these representatives of the world tourism industry:

«affirm the right to tourism and the freedom of tourist movements,

state [their] wish to promote an equitable, responsible and sustainable world tourism order, whose benefits will be shared by all sectors of society in the context of an open and liberalized international economy, and

solemnly adopt to these ends the principles of the Global Code of Ethics of Tourism».

These principles are embodied in the body of the text following the preamble and which breaks down into ten simply-worded articles. In this Decalogue, the first nine articles lay down strong principles relative to «tourism's contribution to mutual understanding and respect between peoples and societies» (1), «tourism as a vehicle for individual and collective fulfilment» (2), «tourism, a factor of sustainable development» (3), «tourism, a user of the cultural heritage of mankind and a contributor to its enhancement» (4), «tourism, a beneficial activity for host countries and communities» (5), the «obligations of stakeholders in tourism development» (6), the «right to tourism» (7), the «liberty of tourist movements» (8), and the «rights of the workers and entrepreneurs in the tourism industry» (9).

Without going into detail relative to these nine articles, it should be noted that the general tone is one of a balanced affirmation of the respective rights and obligations of all the different partners who make up the tourism industry, starting with the symmetrical and complementary rules set for visitors and hosts alike.

The wording of these principles is not all new; some of the key ideas can be found in the Manila Declaration and in the Tourism Bill of Rights and Tourist Code adopted by WTO at its Assembly in Sofia in 1985.

Suffice it to say that in certain areas, today's approach goes one step further than yesterday's. Hence, beyond the «the right to freedom of travel and tourism» stated in Manila, «the prospect of direct and personal access to the discovery and enjoyment of the planet's resources» is recognized as «a right equally open to all the world's inhabitants».

Some subjects are broached for the first time in a declaration of this nature. Some have a cultural, environmental or social component, such as the total ban on child exploitation in the tourism industry, the responsibility of the press and the media, the right of tourists to practise their religions during their travels, the value of ecotourism and cultural tourism, the importance of conducting impact studies and of associating host communities with big development projects, and the adoption of a specific status for seasonal workers. Other principles have more economic connotations, such as the need for readily understandable contracts and consumer information, the benefits of staggering in time and space tourist flows, the conduct required in the event of crisis situations, the encouragement of the North-South economic partnership between receiving and generating countries, the role of small and medium-sized enterprises and the special responsibility of multinational enterprises in the sector.

The tenth and final article of the Code is of a different nature to the nine that precede it.

It stipulates that «the public and private stakeholders in tourism development should cooperate in the implementation» of the principles thus established and that they «should recognize the role of international institutions, among which the World Tourism Organization ranks first» and - this is new - of «non-governmental organizations with competence in the field of tourism promotion and development». It states that these stakeholders should «demonstrate their intention to refer any disputes concerning the application or interpretation of the Global Code of Ethics for Tourism for conciliation to an impartial third body known as the World Committee on Tourism Ethics».

The existence of a juridical - if not jurisdictional - mechanism for implementing the Code is the fourth and final point worth examining.

This is an original, voluntary and flexible conciliation – not arbitration - mechanism, the design of which owes a great deal to Professor Alain Pellet, a member and former chairman of the United Nations International Law Commission and the legal adviser to WTO.

Hence Mr. Pellet's words to the effect that «it must be acknowledged that instances of friction or dispute among the actors in tourism development are redoubtably numerous and their regulation particularly delicate on account of their often transnational nature. In these conditions, a supple, swift and inexpensive conciliation mechanism can prove itself to be extremely useful».

In this respect, work has not been altogether concluded. The Santiago General Assembly has not conclusively adopted *the Protocol of Implementation* that establishes this mechanism.

The existence of such a mechanism for settling disputes is a principle that has nonetheless been established, even if certain adjustments, essentially of a legal nature, remain to be made. The Assembly has adopted the broad outlines that will govern this mechanism. It has, moreover, wasted no time in inviting governments and other actors in tourism development «to regulate their conduct on the basis of the principles set out in the Code». It has urged the States to draw inspiration from the Code in their laws and the private sector to introduce its contents in its regulations and professional practices.

It would indeed be a remarkable achievement if tomorrow, a conflict between a big multinational enterprise and a host community or NGO relative to the social or environmental repercussions of the creation of a new tourism resort in a developing country, for example, could be settled on good terms on the basis of a set of principles that are freely accepted by everyone concerned.

This would be the aim of the aforementioned Protocol of Implementation, which will finally be adopted at WTO's next General Assembly in the autumn of 2001.

The independent body that will represent all the players in the tourism industry - the World Committee on Tourism Ethics – will be established and will be responsible for the interpretation, application, evaluation and development of the provisions of the Code. It should be operational by the end of 2001.

In short, the Global Code of Ethics for Tourism clearly responds to more than a succession of good intentions or pious hopes. It is a tool that will be placed in the hands of the partners in the tourism industry forthwith and one that they may use, jointly and severally, to build sustainable, balanced and responsible tourism.

The Code represents a step forward for world tourism and, to a certain extent, for international law. In this field, as in many others, tourism is blazing a trail. This is indeed a heartening prospect.

(*Signed*) Francesco **Frangialli**
Secretary-General of the World Tourism Organization
Madrid, December 2000